

CITY PLANNING COMMISSION MINUTES

JULY 17, 2003

The regular meeting of the City Planning Commission convened Thursday, July 17, 2003, at 1:36pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Charles Greenberg, Randal Hernandez, Lynn Moyer, Morton Stuhlbarg

EXCUSED: COMMISSIONERS: Nick Sramek, Charles Winn

ACTING CHAIRMAN: Charles Greenberg

STAFF MEMBERS PRESENT: Gene Zeller, Director
Greg Carpenter, Zoning Officer
Angela Reynolds, Advance Planning
Ruthann Lehrer, Neighborhood Preservation Officer
Harold Simkins, Senior Planner
Lynette Ferenczy, Planner IV

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Marcia Gold, Minutes Clerk

PLEDGE OF ALLEGIANCE

Commissioner Stuhlbarg led the pledge of allegiance.

SWEARING OF WITNESSES

MINUTES

Due to lack of attending Commissioners, the vote on the minutes of May 15, 2003 and June 5, 2003 was delayed until the August 7, 2003 meeting.

CONSENT CALENDAR

Item 1D was pulled at the request of an audience member.

Commissioner Hernandez moved to approve the remaining items, 1A, 1B, 1C, 1E and 1F as presented by staff. Commissioner Moyer seconded the motion, which passed 4-0. Commissioners Sramek and Winn were absent.

1A. Case No. 0306-15, CE 03-131

Applicant: Eugene J. Zeller, Director Planning
and Building
Subject Site: Citywide
Description: Proposed Zoning Code amendments implementing
the design review process of the Planning Commission and
Redevelopment Agency.

Recommended that the City Council adopt the Zoning Code
amendments.

1B. Case No. 0302-08, Conditional Use Permit

Applicant: Carrie Bryant for Creative Arts Preschool
Subject Site: 1409-1415 Walnut Avenue
Description: Request to expand an existing day care
facility into a portion of an adjacent residential multi-
family dwelling.

Approved the Conditional Use Permit, subject to conditions.

**1C. Case No. 0306-12, Conditional Use Permit, Administrative
Use Permit**

Applicant: Ovidio A. Parayno for Great Day
Adult Day Health Care
Subject Site: 668 Obispo Avenue
Description: Request to operate a Great Day Adult Day
Health Care facility in an existing church administrative
building located in the R-3-S Zone District with an
Administrative Use Permit for shared parking.

Approved Conditional Use Permit and Administrative Use Permit,
subject to conditions.

1D. Negative Declaration 09-03

Applicant: Fady Mattar, Superintendent of Building
and Safety, City of Long Beach
Subject Site: 851 Orange Avenue
Description: Demolition of eight structures determined to
be substandard building by the Board of Examiners, Appeals
and Condemnation. Structures include a two-story, four-
unit apartment building, a two-story duplex, four single-

story single family units, a three-car garage and a four-car garage.

Removed to the Regular Agenda.

1E. Mills Act Historic Property Contract

Applicant: Cultural Heritage Commission
Subject Site: 953 Park Circle Drive
Description: Mills Act Historic Contract for the Bembridge House, 953 Park Circle Drive.

Recommended that the City Council approve the execution of a Mills Act Historic Property Contract between the City and the owner of the Bembridge House.

1F. Name Change of Historic District

Applicant: Cultural Heritage Commission
Subject Site: "Craftsman Village Historic District"
Description: Change name of district to "Craftsman Village Historic District," amending ordinance C-7051.

Approved the amendment to ordinance C-7051 changing "Hellman Craftsman Historic District" to "Craftsman Village Historic District."

R E G U L A R A G E N D A

1D. Negative Declaration 09-03

Applicant: Fady Mattar, Superintendent of Building and Safety, City of Long Beach
Subject Site: 851 Orange Avenue
Description: Demolition of eight structures determined to be substandard building by the Board of Examiners, Appeals and Condemnation. Structures include a two-story, four-unit apartment building, a two-story duplex, four single-story single family units, a three-car garage and a four-car garage.

Angela Reynolds presented the staff report recommending certification of the Negative Declaration.

Dale Wiersma, Chief Building Inspection Officer, City of Long Beach, outlined the history of the situation now requiring mitigation of substantial conditions through demolition.

Ruthann Lehrer explained that the gradual yet severe deterioration of the structures had negated any historical significance they might have had.

Jose Josevulloa, 1215 Helman Street, stated he was a spokesman for the district, complained about what he felt was a lack of sufficient notice, and asked for 90 more days to see if the neighbors could work with the property owner to find a solution besides demolishment.

City Attorney Mais noted that the City still had a few more weeks of paperwork to do before any action would be taken.

In response to a query from Commissioner Moyer regarding consequences of certifying the Negative Declaration, Mr. Zeller explained that the property owner, if willing, would now need to work through the court and make repairs by a certain time. Mr. Zeller added that the City is embarking on preserving the safety of the neighborhood, and will not allow such a hazard to exist.

Michelle Arend-Ekhoff, 1203 E. 8th Street, stating she was the contact person for the historical district, complained about the lack of wide noticing on the item, and said she felt the subject property was still a contributing historical property that could be saved. Ms. Arend-Ekhoff also asked that if the property was demolished, the zoning still remain low-density.

Ms. Lehrer pointed out that she had had informal conversations over time with area neighbors, and that she was confident the City had done everything possible and proper to ensure the safety of the community.

Mr. Zeller added that there was no requirement that noticing be sent out to the community regarding hazardous properties until code enforcement efforts had culminated in the recommendation to demolish. Ms. Reynolds added that environmental notices were usually only run in the paper, but in this case, they had sent the Commission agenda to all the community groups in the area.

Tim Schugt, 841 Orange Avenue, area resident, said that no repairs had been done to the buildings for decades, and that no one should be allowed inside them for safety reasons.

Nathan Jones, 248 Grand, asked general questions about demolition procedures.

Commissioner Moyer expressed confidence in the appropriateness of the Negative Declaration, and moved to approve the staff recommendation. Commissioner Hernandez seconded the motion, which passed 4-0. Commissioners Sramek and Winn were absent.

C O N T I N U E D I T E M S

2. Case No. 0210-04, Site Plan Review, General Plan Conformity for Street Vacation, Vesting Tentative Tract Map, Local Coastal Development Permit, and Standards Variances, GPC 7-17-03.A, ND 16-03

Applicant: 100 E. Ocean Investments, LLC
 c/o Jack Highwart, Cunningham Group
Subject Site: 100 E. Ocean Boulevard and 207 Seaside Walk
Description: Request for approval of a Site Plan Review, General Plan Conformity Finding for Street Vacation, Local Coastal Development Permit, Vesting Tentative Tract Map, and Standards Variances for construction of a 24-level high rise with 320 on-site parking spaces, 155 condominium units, restaurant and bar, retail and health club uses. The development also includes off-site parking located in a new four-story 276 space parking structure at 207 Seaside Way. Standards Variance requests have been submitted for the following code exceptions: (1) Site coverage at four stories of 37% (instead of not more than 35%); (2) A reduced building corner cutoff at The Promenade; (3) Construction abutting The Promenade and Ocean Boulevard exceeding 30'0'' in height for a width of 30'0''; (4) The use of tandem parking; and (5) Portions of the driveway slope within the on-site parking structure of 20% grade (instead of not more than 14%).

Lynette Ferenczy presented the staff report recommending approval of the project since it is consistent with the intent of the Downtown Shoreline Planned Development Ordinance; is physically unique due to lot dimensions and a relatively small size, and will increase home ownership opportunities in the coastal zone.

Kam Babaoff, 444 W. Ocean #1108, applicant, said the design would enhance the connection between upper and lower Pine, the Promenade and the Convention Center.

Jack Highwart, Cunningham Group, 4056 Del Rey Avenue, Marina del Rey, architect/applicant, presented slides of the project, noting a change in the location of Pine to align with the

pedestrian walkway, and with a description of the residential component, restaurant and retail uses on the Ocean Boulevard level.

Mr. Babaoff added that they were in agreement with all of the Conditions of Approval except for a minor change requested regarding Coastal Development permits that they would voluntarily be subjecting themselves to on the street vacation issue.

Commissioner Hernandez acknowledged that this was a key project, and that he appreciated the applicants' patience and due diligence. Mr. Hernandez then asked staff to address possible traffic impacts of the combined projects in the area.

Ms. Reynolds stated that the traffic consultant had taken into consideration all available information on all area projects to create a cumulative traffic impact report. She noted that staff had decided that the only intersection to suffer significant impact as a result would be Pine and Ocean, but that this impact was easily mitigated with suggested measures.

Todd Cutts, Economic Development Manager, Downtown Long Beach Association, Board of Directors, 1 World Trade Center #300, stated he strongly supported the project, and felt it would have a positive impact on the downtown area. He added that he thought residents would help recruit retail stores to the project.

Jeff du Chateau, Trizec Realty, 111 W. Ocean, expressed opposition to the development, citing concerns that the development would negatively impact the views of his commercial clients in an adjacent building.

Mr. Carpenter clarified that under the City's coastal program and zoning ordinances, this particular project was not in a view corridor.

Mr. Highwart added that even though it was not conditioned, they had specifically designed the building to be more narrow on the Trizec side to minimize as much as possible any view impacts.

Don Darnauer, 618 Pine Avenue, stated he was strongly in favor of the outstanding project, noting that it would bring in more full-time area residents, and make for a better and safer downtown neighborhood.

In response to a query from Chairman Greenberg, Mr. Highwart explained that they were working with The Breakers to create enough parking spaces for both uses with enough left over for public use.

Commissioner Moyer said she felt this was an incredible building, and she moved to certify Negative Declaration 16-03; to find the proposed vacation of the public right-of-way in conformance with the General Plan; to approve a Site Plan Review, Local Coastal Development Permit with a separate Coastal Development Permit conditioned as requested by the applicant; Vesting Tentative Tract Map No. 54249, and Standards Variance subject to conditions including (1) Site coverage at four stories of 37% instead of not more than 35%; (2) A reduced building corner cutoff to The Promenade; (3) Construction abutting The Promenade and Ocean Boulevard park exceeding 30'0'' in height for a width of 30'0''; (4) The use of tandem parking; and (5) Portions of the driveway slope inside the on-site parking garage of 20% instead of not more than 14%.

Commissioner Hernandez seconded the motion, complimenting the design, and adding that the project would provide greatly needed housing while integrating public spaces.

Chairman Greenberg agreed that the well-executed project would be a great addition to the City, and that although he understood the Trizec concerns with view blockage, he felt that was the price to pay for development.

The question was called, and the motion passed 4-0.
Commissioners Sramek and Winn were absent.

R E G U L A R A G E N D A

3. Case No. 0302-24, Site Plan Review, Administrative Use Permit, Standards Variance, Sign Standards Waiver, Finding of General Plan Conformity for Alley Vacation, GPC 7-17-03.B, ND 14-03

Applicant: Timothy C. Reeves
Subject Site: 3339 E. Anaheim Street
Description: A Site Plan Review, Administrative Use Permit, Standards Variance for parking and driveway setbacks, Sign Standards Waiver to allow changeable copy, and a Finding of General Plan Conformity for alley rights-of-way vacation to construct a new 11,656 sq.ft. Walgreen's Drug Store with a drive-through pharmacy.

Harold Simkins presented the staff report recommending approval of the request since the building was well-designed, appropriate for the location, and compatible with adjacent commercial developments.

Tim Reeves, Reeves Associates, 625 Fair Oaks Avenue #190, South Pasadena, 91030, applicant, stated he was in agreement with the Conditions of Approval.

Don Darnauer, 618 Pine Avenue, member, Central PAC, stated they had no objection to the project, and just requested that any area development be noticed to their group.

Commissioner Hernandez moved to certify Negative Declaration 14-03 as amended; to find the proposed alley vacation in conformance with the General Plan; and to approve the Site Plan Review, Administrative Use Permit, Standards Variances and Sign Standards Waiver, subject to conditions as amended.
Commissioner Moyer seconded the motion, which passed 4-0.
Commissioners Sramek and Winn were absent.

4. Case No. 0306-27, Standards Variance, Local Coastal Development Permit, CE 03-126

Applicant: Cynthia Seibert et al c/o Bill Ridgeway
Subject Site: 5004-5006 E. 2nd Street
Description: A request for a Standards Variance and Local Coastal Development Permit to allow the retention of non-conforming parking rights following the change of use of a building and the construction of additional floor area without providing additional parking.

Greg Carpenter presented staff recommendations for denial of the variances, since reinstatement of non-conforming parking rights to permit intensification of land uses is inconsistent with the purpose of the Code; since staff is unable to make the required variance and Local Coastal Development Permit findings; and because the practice of granting variance privileges to unspecified land uses for extended period of time is inadvisable and inconsistent with the role of the Planning Commission.

Mr. Carpenter added that staff had no opposition to the particular use, but felt that it was inappropriate to promote expansion of uses without parking in Belmont Shore.

Bill Ridgeway, 5633 Sorrento, applicant representative, stated that his client was willing to forego the much higher monthly rent that a restaurant would bring as long as he could expand the floor space to accommodate the lower-impact hardware store use.

Bill Lorbeer, 5320 E. 2nd Street, landlord, claimed that he had one restaurant offer him \$11,000 per month for the space that he was willing to lease to Billings Hardware for a mere \$3,000 per month, and he was willing to take such a financial hit only if he was able to expand the floor space and retain the grandfathered parking rights.

Jeanette Gavin, 160 Pomona Avenue, President, Belmont Shore Residents' Association, spoke in favor of the applicant, noting that the strictly enforced code was creating an inflexible situation in the face of overwhelming community support for Billings. Ms. Gavin added that this was exactly the kind of variance on the parking code that the community would support.

Chairman Greenberg reminded Ms. Gavin that it was her group among others who had fought so hard to get these very ironclad rules and the language therein that was making it so hard for the Commission to make the necessary findings to allow the variance. Ms. Gavin agreed that the unintended and unforeseen consequences of their actions had resulted in a proliferation of restaurants in the area.

Gene Rotondo, 5236 E. 2nd Street, President, Belmont Shore Business Association, expressed support for the applicant, stating he thought there would always be parking problems, but that this was the right tenant for the space.

Joyce Starr, 501-A E. 2nd Street, Belmont Shore Business Association, agreed that the allowed restaurant use would have more negative impact on the community, and that she was in favor of a variance to allow the hardware store use.

In response to a request for a show of support from the audience, numerous people stood up in favor of the applicant's request.

Doug Otto, Long Beach, applicant representative, said he felt findings could be made that improvements on the site were unique, because Billings is the only hardware store in the area. Mr. Otto also noted that a finding of hardship could be made because the property owner was willing to suffer financially to

allow the unique use to stay in Belmont Shore. Mr. Otto added that he felt public policy was against more restaurant uses in the Shore, and in favor of diversity, and that special privilege could be conditioned to preclude the precedent-setting aspects of such a decision.

Max Laubscher, 161 Santa Ana Avenue, agreed that the area needed a diverse selection of stores because he and many others were too old to drive to other areas.

Chairman Greenberg noted that the Belmont Shore activists who designed the rules the Commission was now laboring under had neglected to build in any kind of flexibility for cases such as these, and if this request was granted, it could create an endless parade of different commercial owners who would attempt to garner similar concessions. Mr. Greenberg said that in this case, a temporary variance with specific factual and distinctive findings might minimize the precedent-setting aspects.

Commissioner Moyer agreed that they all wanted what was best for the people of Belmont Shore and for the City, yet they had heard nothing but complaints about parking from the area. Ms. Moyer added that although she thought it was a good business decision to pick Billings over a restaurant, special privileges would be implied if this variance was granted unless there was some sort of sunset clause.

Commissioner Hernandez agreed with the concern about precedent-setting aspects of the variance, and expressed hope that Billings could be accommodated through a project-specific variance.

Ms. Moyer expressed concern that there was no representative from the Belmont Shore Parking Association, and suggested a continuation to allow Mr. Otto to craft a viable option to the staff denial. She added that she could not make the findings today to approve the variance, but expressed dismay that a denial could send a message to all property owners on 2nd Street that they should lease to restaurants or risk losing some or all of their grandfathered parking. Ms. Moyer noted that she felt the market would correct the overbalance eventually.

Commissioner Hernandez moved to continue the item to the August 7, 2003 meeting, with a direction to staff to return with findings and conditions to accommodate the project.

Commissioner Moyer seconded the motion, and asked that the applicant make sure the Parking Association was represented at the next hearing.

The question was called, and the motion passed 4-0.
Commissioners Sramek and Winn were absent.

5. Case No. 0306-23, CE 03-127

Applicant: Eugene J. Zeller, Director, Planning
and Building
Subject Site: Citywide
Description: Proposed Zoning Code amendments relating to
computer arcades and outdoor sales events.

Commissioner Hernandez moved to continue this item to the August 7, 2003 meeting. Commissioner Stuhlbarg seconded the motion, which passed 4-0. Commissioners Sramek and Winn were absent.

M A T T E R S F R O M T H E A U D I E N C E

Don Darnauer, 618 Pine Avenue, said he thought Matters from the Audience should be moved to the front of the agenda to accommodate the public. Mr. Darnauer also noted that there was water equipment around CityPlace in the pedestrian walkways, and that the developer told him the placement was at the direction of the Commission, and he asked if staff could look into the matter.

**M A T T E R S F R O M T H E D E P A R T M E N T O F
P L A N N I N G A N D B U I L D I N G**

Mr. Zeller noted that the momentum of PacificCenter was increasing, and they were getting closer to forging a development agreement.

Mr. Carpenter announced that this was Mr. Zeller's last meeting and said it had been an honor to work with him, and that we would all miss his wisdom and advice.

Mr. Zeller thanked the Commission and staff, and introduced Fady Mattar, who has been appointed as the Acting Director of Planning and Building, and is also the Superintendent of Building and Safety for the City.

Commissioner Hernandez thanked Mr. Zeller, and said he had been a good friend for many years, with an outstanding disposition, the epitome of a professional.

Former Commissioner Fields echoed Mr. Hernandez, and added that Mr. Zeller was a true gentleman, always available for advice, who would be sorely missed by all.

Former Commissioner Whelan, speaking from the audience, stated that Mr. Zeller was the consummate professional, with a great attitude, intelligence, wit and charm.

M A T T E R S F R O M T H E P L A N N I N G C O M M I S S I O N

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 4:30pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk